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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WESLEY WEIDNER;

Case No. 2:16-cv-02301-KJD-NJK

Plaintiff,

vs.

JOINT MOTION TO EXTEND
DISCOVERY DEADLINES
(Third Request)

STATE OF NEVADA; DIRECTOR GREG COX,
individually; WARDEN DWIGHT NEVEN,
individually; ASSISTANT WARDEN TIMOTHY
FILSON, individually; CORRECTIONS
OFFICER FRANCO; individually; ASSOCIATE
WARDEN JENNIFER NASH, individually;
CASEWORKER STACY BARRETT,
individually; INSPECTOR GENERAL DAVID
MOLNAR, individually; INSPECTOR BRYAN
SHIELDS, individually; INSPECTOR VICTOR
DANIELS, individually; INSPECTOR STEVE
LEMAIRE, individually; SENIOR C.O.
NORMAN individually; DOE LICENSED
PRACTICAL NURSE; DOE CORRECTION
OFFICERS I-V; DOES I-X, inclusive; and ROES
I-X, inclusive,

as amended on p. 3

Defendants.

Pursuant to LR 26-4 and LR 7-2(d), the above-referenced parties, by and through the undersigned counsel of record, and hereby jointly move this Court to extend discovery deadlines in the above-captioned case for sixty (60) days, up to and including Friday, August 25, 2017.

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1 In addition, the parties request that the dispositive motions and pretrial order be extended
2 in accordance with the discovery extension as outlined herein.

3 DATED this 1st day of March, 2017.

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5 POTTER LAW OFFICES

6 By /s/ Cal J. Potter, III, Esq.
7 CAL J. POTTER, III, ESQ.
8 Nevada Bar No. 1988
9 C. J. POTTER, IV, ESQ.
10 Nevada Bar No. 13225
11 1125 Shadow Lane
12 Las Vegas, Nevada 89102
13 *Attorneys for Plaintiffs*

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 In support of this Motion and Request, the parties state as follows:

16 Plaintiff filed his Complaint in State Court on June 9, 2016. Plaintiff then filed an
17 Amended Complaint in State Court on August 26, 2016. Defendants' filed a Notice of Removal
18 to the United States District Court on September 30, 2016. On October 5, 2016 the U. S. District
19 Court issued an Order that the Court will not issue a screening order in this case. Plaintiff and
20 Defendant filed a Joint Status Report on October 11, 2016. Defendants filed an Answer and Jury
21 Demand on October 26, 2016. 2016. The Court directed the parties to file ad Discovery
22 Plan/Scheduling Order due on November 25, 2016. This Court filed a Scheduling Order on
23 October 27, 2016. The parties then filed a Proposed Joint Discovery Plan/Scheduling Order on
24 November 17, 2016. The Court then issued an Order denying the Joint Discovery
25 Plan/Scheduling Order as moot on November 18, 2016.

26 Due to the complexity of this case and the location of witnesses throughout the District of
27 Nevada, the parties jointly request that the discovery deadlines be extended to allow the parties
28 enough time to complete the discovery necessary for this case.

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B. DISCOVERY COMPLETED TO DATE

- Plaintiff has produced an initial disclosure.
- Defendant has produced an initial disclosure.
- Plaintiff propounded Interrogatories to the State of Nevada and they have responded.
- Plaintiff propounded Requests for Productions of Documents to the State of Nevada and they have responded.

C. DISCOVERY REMAINING

The following recitation of discovery to be completed is not intended to be limiting, but it is set forth to advise the Court of the current remaining discovery. The parties must conduct the following discovery:

- Determine whether parties need to be added or removed;
- Supplement documents and information as they become available;
- Propound written discovery;
- Disclose experts and rebuttal experts;
- Conduct party, expert/rebuttal expert, 30(b)(6) witness and/or percipient witness depositions; and
- Supplement any remaining documentation that is received as a result of the subpoenas.

D. CURRENT AND PROPOSED DISCOVERY DEADLINES

<u>SCHEDULED EVENT</u>	<u>CURRENT DEADLINE</u>	<u>PROPOSED DEADLINE</u>
Amend/Add	March 24, 2017	May 23, 2017
Interim Status Report	March 27, 2017	May 26, 2017
Disclose Experts	April 27, 2017	June 26, 2017
Rebuttal Experts	May 26, 2017	July 25, 2017
Discovery Cut-Off	June 26, 2017	August 25, 2017
Dispositive Motions	July 26, 2017	September 25, 2017
Pretrial Order	August 26, 2017	October 25, 2017

or 30 days after the Court rules on any dispositive motions or further court order.

1 This is the third request for extension of time in this matter. This request for an extension
2 of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by
3 both parties solely for the purpose of allowing sufficient time to conduct discovery and
4 adequately prepare their case for trial.

5 WHEREFORE, the parties respectfully request that this Court extend the discovery
6 period as outlined in the table above.

7 DATED this 1st day of March, 2017.

DATED this 1st day of March, 2017.

8 POTTER LAW OFFICES

ATTORNEY GENERAL'S OFFICE
BUREAU OF LITIGATION

9 By /s/ Cal J. Potter, III, Esq.
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13 *Attorney for Plaintiff*

By /s/Jared M. Frost, Esq.
JARED M. FROST, ESQ.
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555 E. Washington Ave. Suite 3900
Las Vegas, Nevada 89101
Attorney for Defendants

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15 IT IS SO ORDERED.

16 Dated: March 2, 2017

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18 NANCY J. KOPPE
United States Magistrate Judge
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